

PROB. 12B  
(7/93)

**ORIGINAL**

FILED IN THE  
UNITED STATES DISTRICT COURT  
DISTRICT OF HAWAII

**United States District Court**

**for the**

**DISTRICT OF HAWAII**

MAY 30 2006  
at 3 o'clock and 37 min. P.M.  
SUE BEITIA, CLERK

**Request for Modifying the Conditions or Term of Supervision  
with Consent of the Offender**

*(Probation Form 49, Waiver of Hearing is Attached)*

Name of Offender: ROMULO MORALES

Case Number: CR 04-00181SOM-03

Name of Sentencing Judicial Officer: The Honorable Susan Oki Mollway  
U.S. District Judge

Date of Original Sentence: 1/30/2006

Original Offense: Count 1: Bank Fraud, in violation of 18 U.S.C. § 1344, a Class B felony

Original Sentence: Imprisonment sentence of time served and 5 years supervised release with the following special conditions: 1) The defendant is prohibited from the possession and use of alcohol; 2) That the defendant shall participate in and comply with the substance abuse treatment which includes drug and alcohol testing in a program approved by the Probation Office; 3) That the defendant execute all financial disclosure forms, and provide the Probation Office and the Financial Litigation Unit of the U.S. Attorney's Office access to any requested financial information to include submitting to periodic debtor's examinations as directed by the Probation Office; and 4) That the defendant is prohibited from incurring credit charges and lines of credit without the approval of the Probation Office. The Court also ordered that restitution of \$1,376,000.00 is due immediately to EMC Mortgage, to be paid jointly and severally with codefendants Remy and Cynthia Agbayani, and any remaining balance upon release from confinement be paid during the period of supervision on an installment basis according to the collection policy of the Probation Office but at a rate of not less than 10 percent of his monthly gross income. Interest is waived while the defendant is serving his term of imprisonment and shall commence to accrue on any remaining balance upon his release on supervision.

Type of Supervision: Supervised Release Date Supervision Commenced: 1/30/2006

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### PETITIONING THE COURT

[✓] To modify the conditions of supervision as follows:

That restitution of \$376,000.00 is due immediately to Wells Fargo, to be paid jointly and severally with codefendants Remy and Cynthia Agbayani, and any remaining balance upon release from confinement be paid during the period of supervision on an installment basis according to the collection policy of the Probation Office but at a rate of not less than 10 percent of his monthly gross income.

### CAUSE

As the Court may recall, when Mr. Morales was sentenced on 1/30/2006, the Court imposed a restitution amount of \$1,376,000.00, to be paid jointly and severally with two other codefendants, Remy and Cynthia Agbayani. On 4/10/2006, codefendant Remy Agbayani was sentenced. At Mr. Agbayani's sentencing, the Court determined that restitution in this case was \$376,000.00 as opposed to the amount previously imposed at the time Mr. Morales was sentenced. As a result, the Probation Office is submitting a modification to reflect the modified restitution amount.

Attached is a signed Waiver of Hearing to Modify Conditions of Supervised Release. The subject waives his right to a hearing and to assistance of counsel. The subject agrees to the modification of the conditions of supervised release. The subject's attorney (Tommy R. Waters) and the U.S. Attorney's Office have been notified of the proposed modification and have no objections to the modification.

Respectfully submitted by,



MERILEE N. LAU  
U.S. Probation Officer

Approved by:




GENE DeMELLO, JR.  
Supervising U.S. Probation Officer

Date: 5/26/2006

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THE COURT ORDERS:

- ☒ The Modification of Conditions as Noted Above  
☐ Other

  
\_\_\_\_\_  
SUSAN OKI MOLLWAY  
U.S. District Judge  
5/26/06  
\_\_\_\_\_  
Date

PROB 49  
(5/06)

## United States District Court

### District of Hawaii

#### **Waiver of Hearing to Modify Conditions of Probation/Supervised Release and/or Extend Term of Supervision**

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release and/or my period of supervision being extended. By "assistance of counsel," I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Probation and Supervised Release and/or to the proposed extension of my term of supervision:

[ X ] To modify the conditions of supervision as follows:

That restitution of \$376,000.00 is due immediately to Wells Fargo, to be paid jointly and severally with codefendants Remy and Cynthia Agbayani, and any remaining balance upon release from confinement be paid during the period of supervision on an installment basis according to the collection policy of the Probation Office but at a rate of not less than 10 percent of his monthly gross income.

Witness:

  
MERILEE N. LAU  
U.S. Probation Officer

Signed:

  
ROMULO MORALES  
Supervised Releasee

5-25-06

Date